

**COPY**

**STATE OF ILLINOIS**  
**ILLINOIS COMMERCE COMMISSION**  
**STIPULATED AGREEMENT NO. 1042**

703-0050

This agreement made and entered into, by and between the State of Illinois acting by and through the Illinois Commerce Commission ("COMMISSION"), the Illinois Central Railroad Company ("COMPANY"), Loda Township ("TOWNSHIP"), and the State of Illinois, Department of Transportation ("DEPARTMENT").

**WITNESSETH:**

WHEREAS, it has come to the attention of the Commission through informal correspondence that inquiry should be made into the matter of improving public safety at the crossing of the Company's track with a public highway known as TR367/100N located near Loda, Iroquois County, Illinois, designated as crossing AAR/DOT 289 020M, milepost 99.90-M; and

WHEREAS, proper investigation has been made of the circumstances surrounding the aforesaid crossing by a staff member of the Commission's Transportation Division, Railroad Section; and

WHEREAS, the physical aspects, including geometrics of the intersection, train movements, vehicular traffic volume, and sight distances and other pertinent data relating to the crossing have been obtained and shown on Exhibit A, attached to the Agreement; and

WHEREAS, the parties are mutually agreeable to accomplish the proposed improvements upon a determination of Commission by Order.

NOW, THEREFORE in consideration of the premises and of the mutual covenants and agreements as hereinafter contained the parties pray that the Commission enter an Order according to the provisions of Section 18c-7401 of the Illinois Commercial Transportation Law requiring that certain improvements as hereinafter stated be made and that the cost for the proposed improvements be divided among the parties according to law and that in the interest of the statewide traveling public the Grade Crossing Protection Fund of the Motor Fuel Tax Law be required to bear a substantial portion of the cost; To Wit the parties agree as follows:

Section 1 All improvements encompassed by this Agreement shall be made in accordance with all applicable State laws, rules, standards, regulations and orders and procedures in general.

**DOCKETED**

Section 2           The parties are of the opinion that the proper improvements in the interest of public safety at the aforesaid crossing should be:

(a)   The installation of automatic flashing light signals and gates (AFLS&G) controlled by constant warning time circuitry.

Section 3           The Company has prepared detailed drawings, detailed circuitry plans, and a preliminary estimate of cost to accomplish the proposed improvements, which it may be required to perform. Said estimate is attached as Exhibit B.

Section 4           The Company shall upon Order, according to the requirements contained therein, proceed toward the completion of the proposed improvements, accomplishing the work with its own forces or appropriate contracted services and agrees that an appropriate time for the completion of the proposed improvements should be twelve (12) months, from the date of Commission Order subsequent to this Agreement.

Section 5           The parties hereto agree that an equitable division of cost for the proposed improvements should be:

(a)   The cost for the improvements listed in Section 2(a), estimated to be \$122,250, shall be allocated 85% of the actual cost, not to exceed \$103,913, to the Grade Crossing Protection Fund, and 10% of the actual cost (not to exceed \$12,225) to the Township. Any additional costs, as well as the cost of future maintenance and operations, shall be borne by the Company. (See Exhibit B)

Section 6           The Township is financially able and willing to bear an equitable portion of the cost for the proposed improvements as may be assigned by the Order and indicates this intent by Resolution attached as Exhibit C.

Section 7           Special Provisions:

Since the warning device improvement at the subject crossing will be performed by railroad crews, no flagging or contractor liability insurance will be required for said work.

The Company shall, at six (6) month intervals from the date of Commission Order subsequent to this Agreement, submit to the Director of Processing and Information, Transportation Division of the Commission, a written report stating the progress it has made toward completion of the work herein required. Each progress report shall include the Commission Order number, the Order date, the project completion date as noted in the Order, crossing information (inventory number and railroad milepost), type of improvement, and the name, title, mailing address, phone number and facsimile number of Company employee responsible for management of the project.

All bills for expenditures authorized for reimbursement from the Grade Crossing Protection Fund shall be submitted to the Fiscal Control Unit of the Illinois Department of Transportation's Bureau of Local Roads and Streets, Illinois Department of Transportation, Central Bureau of Local Roads and Streets, 2300 South Dirksen Parkway, Springfield, Illinois 62764. The Department shall send a copy of all bills to the Director of Processing and Information, Transportation Bureau of the Commission. The final bill for expenditures from each party shall be clearly marked "Final Bill". All bills shall be submitted no later than twenty-four (24) months from the date of Commission Order subsequent to this Agreement. The Department shall, at the end of the 24<sup>th</sup> month from the Commission Order date, de-obligate all residual funds accountable for installation cost for this project.

Section 8 This Agreement shall be binding upon the parties hereto, their successors or assigns. Upon execution of this Agreement by all parties, the Commission shall enter an appropriate order, within 60 days accepting or rejecting such stipulation according to the provisions contained herein.

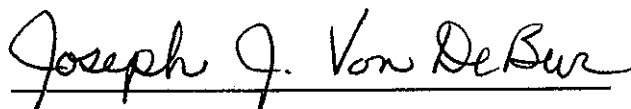
In Witness Whereof, the parties have caused this Agreement to be executed by their duly authorized officers, as of the dates indicated herein.

Executed by the Commission this 12<sup>th</sup> day of May 2003.



Michael E. Stead  
Rail Safety Program Administrator

Attest:



Joseph J. VonDeBur  
Railroad Safety Specialist

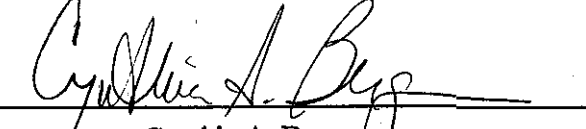
Illinois Commerce Commission Stipulated Agreement No. 1042 concerning improvements at the TR367/100N grade crossing of the Illinois Central Railroad Company tracks near Loda, Iroquois County, Illinois, designated as crossing AAR/DOT 289 020M, milepost 99.90-M.

Executed by the COMPANY this 15<sup>th</sup> day of May 2003.

ILLINOIS CENTRAL RAILROAD  
COMPANY

By:   
Vice President

Attest:

  
Cynthia A. Bergmann  
Assistant Secretary

Illinois Commerce Commission Stipulated Agreement No. 1042 concerning improvements at the TR367/100N grade crossing of the Illinois Central Railroad Company tracks near Loda, Iroquois County, Illinois, designated as crossing AAR/DOT 289 020M, milepost 99.90-M.

Executed by the TOWNSHIP this 23 day of May 2003.

LODA TOWNSHIP

By: Larry Elliott  
Highway Commissioner

Attest:

Stephen D. Margus

Illinois Commerce Commission Stipulated Agreement No. 1042 concerning improvements at the TR367/100N grade crossing of the Illinois Central Railroad Company tracks near Loda, Iroquois County, Illinois, designated as crossing AAR/DOT 289 020M, milepost 99.90-M.

Executed by the Department this 29th day of May 2003.

STATE OF ILLINOIS  
DEPARTMENT OF TRANSPORTATION

By: Victor A. Modica  
Director of Highways

**ILLINOIS COMMERCE COMMISSION  
STIPULATED AGREEMENT  
CROSSING DATA FORM**

**GENERAL INFORMATION:** See Location Sketch

<b>RAILROAD</b>	Illinois Central Railroad Company
<b>USDOT#, MILEPOST</b>	289 020M, 99.90-M
<b>STREET, CITY, COUNTY</b>	Township Road (TR) 367 / 100N, near Loda, Iroquois County
<b>JURISDICTION (RDWY)</b>	Loda Township Road District
<b>LOCATION</b>	Rural, Agricultural
<b>STREET SURFACE</b>	2-lane, 2-way, 17 foot width, aggregate roadway

**CROSSING DATA:** Also see Location Sketch for roadway profile and track centers

<b>TRACK</b>	<b>SURFACE TYPE</b>	<b>SURFACE WIDTH</b>	<b>SURFACE CONDITION</b>
Main	Sectional Timber	25 feet	Fair

**ROADWAY DATA:** See Location Sketch

<b>INTERSECTING ROADS:</b>	Unknown (possibly private) – 130 feet west US 45 – 122 feet east
<b>TRAFFIC CONTROL</b>	Unknown roadway – none US 45 – Stop Sign for TR367 traffic
<b>ADT &amp; SPEED</b>	100 Vehicles Per Day @ 55 MPH (not posted)
<b>TRAFFIC TYPE</b>	Passenger, Agricultural, Possible School Busses, Hazardous Materials
<b>ADVANCE WARNING</b>	West only
<b>PAVEMENT MARKING</b>	None

**RAILROAD DATA:** See Location Sketch

<b>FREIGHT TRAFFIC</b>	26 Per day @ 60 MPH, 2 Switch Movements, Day & Night
<b>PASSENGER TRAFFIC</b>	4 Per day @ 79 MPH
<b>WARNING DEVICES</b>	Reflective Crossbucks

**NOTES:**

**VISIBILITY STUDY:** See Location Sketch

<b>Train Speed</b>	79	<b>MPH</b>
<b>Roadway Speed</b>	55	<b>MPH</b>
<b>Required Stopping Sight Distance (SSD)</b>		
<b>Along Roadway</b>	485	<b>FEET</b>
<b>Along Tracks</b>	813	<b>FEET</b>
<b>Required Clearing Sight Distance (CSD) (Along Tracks)</b>	1901	<b>FEET</b>

Distances calculated per American Association of State Highway and Transportation Officials (AASHTO), A Policy on Geometric Design of Highways and Streets, 1984.

<b>QUADRANT</b>	<b>CSD (FT)</b>	<b>OBSTRUCTION</b>	<b>SSD (FT)</b>	<b>OBSTRUCTION</b>
<b>NE</b>	*		*	
<b>NW</b>	*		*	
<b>SE</b>	*		*	
<b>SW</b>	*		*	

\*Note: Automatic flashing light signals and gates (AFLS&G) eliminate the need to satisfy minimum Site Distance criteria.

**APPROACH GRADES:** See Location Sketch

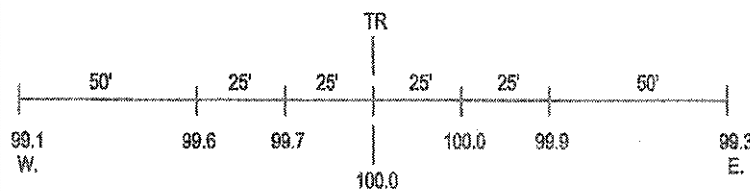
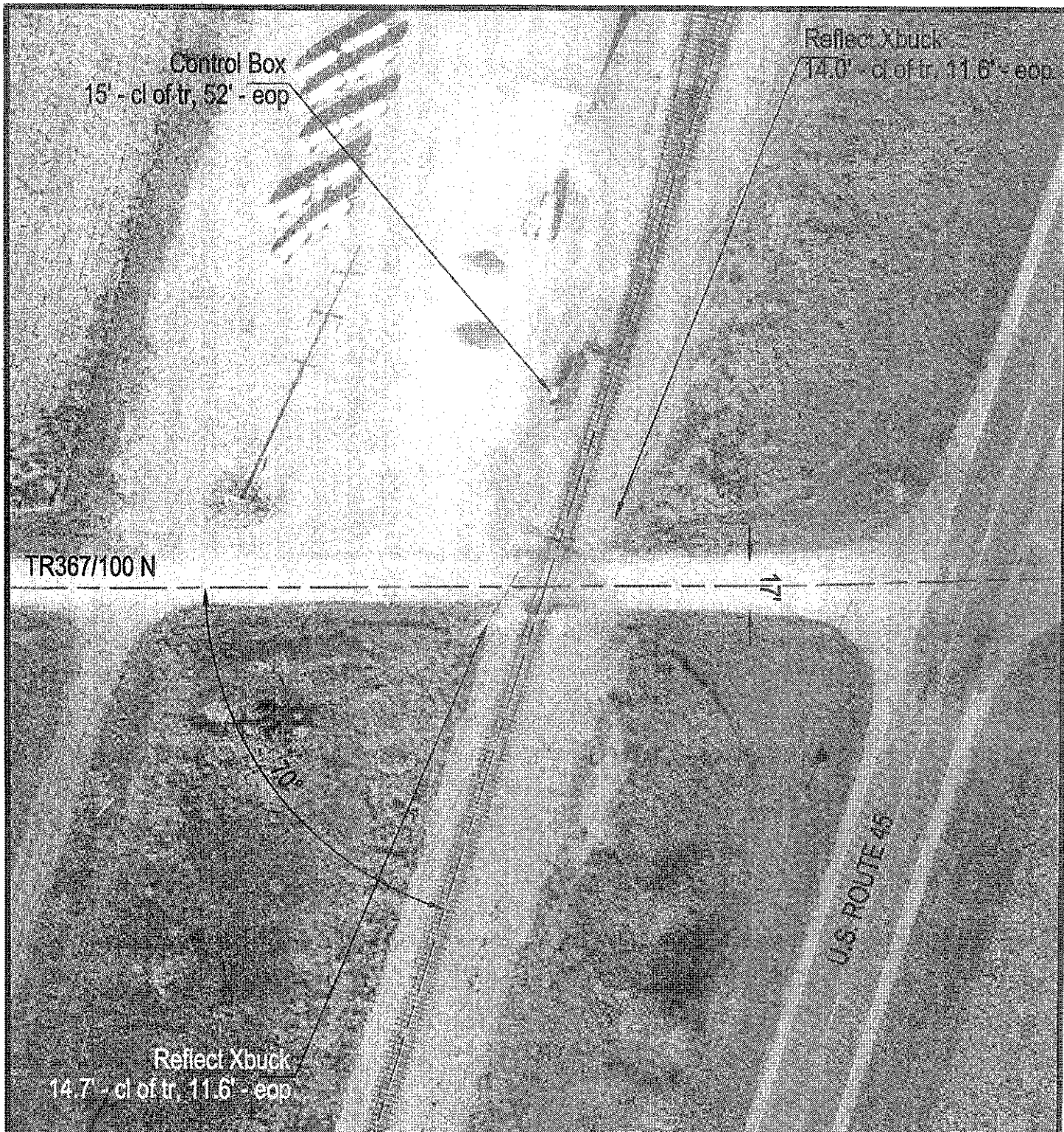
<b>DIRECTION: WEST</b>			<b>DIRECTION: EAST</b>		
<b>DISTANCE (FT)</b>	<b>ELEVATION (FT)</b>	<b>GRADE (%)</b>	<b>DISTANCE (FT)</b>	<b>ELEVATION (FT)</b>	<b>GRADE (%)</b>
0	100.0	---	0	100.0	---
25	99.7	-1.2	25	100.0	0.0
50	99.6	-0.4	50	99.9	-0.4
100	99.1	-1.0	100	99.3	-1.2

Distance measured from outermost rail.

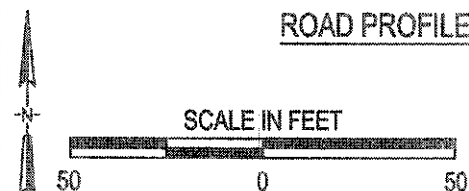
**COMMENTS:****PROPOSED COST DIVISION:**

Grade Crossing Protection Fund -----	85%
Loda Township -----	10%
Illinois Central Railroad Company -----	5%





ROAD PROFILE



Crossing #: 289020M  
 Location: Iroquois Co., City of Loda (N)  
 Lat/Long: 40°30'10" / 88°04'43"  
 Railroad: Illinois Central Railroad Company  
 Street: TR367 / 100 N  
 Railroad Milepost: 99.90-M  
 Crossing Protection: Crossbucks

ILLINOIS CENTRAL RAILROAD  
ENGINEERING DEPARTMENT  
SIGNALS AND COMMUNICATIONS

Loda, IL

Est 1008-303

Estimated cost of Signal work to install Gates at TR 367.

289 020M

Gulf Division

Val Sec IL-1

ITEM DESCRIPTION	QUANTITY	UNIT	UNIT COST	TOTAL COST
=====				
FAPG				
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LANDFILL	1.	LOT @	700.00	700.00
MISC.SIGNAL MATERIAL	1.	L.S. @	400.00	400.00
<u>CROSSING MATERIALS PACKAGE</u>				
GCP3000,80200-111-IPI	1.	EACH @	10528.00	10528.00
SERIAL EVENT ANLZER/REC	1.	EACH @	2035.00	2035.00
RECORDER INTERFACE,80255	1.	EACH @	153.00	153.00
NARROW BAND SHUNT,62775-8621	2.	EACH @	640.00	1280.00
XING CTLR,91160	1.	EACH @	2300.00	2300.00
PSO TRACK CIRCUIT,7A444-970	1.	EACH @	2710.00	2710.00
AC/DC TRACK CIRCUIT	1.	EACH @	525.00	525.00
RELAY,ST,4 OHM,400010	1.	EACH @	644.00	644.00
RECTIFIER,NRS15110,20A	1.	EACH @	455.00	455.00
RECTIFIER,NRS18120,40A	1.	EACH @	695.00	695.00
SURGE PROTECTION	1.	LOT @	850.00	850.00
SWING RACK,T12757	1.	EACH @	510.00	510.00
EQUIPMENT RACK,23"	1.	EACH @	237.00	237.00
FLX-2000 & GATE ASSY W/1 SIDELITE	2.	EACH @	7745.00	15490.00
ARM,EZ GATE,16-24'	2.	EACH @	721.00	1442.00
GATEKEEPER,SK-1000	2.	EACH @	1970.00	3940.00
BELL,ELECTRONIC	1.	EACH @	234.00	234.00
BATTERY,GNB 265AH	13.	EACH @	217.00	2821.00
FOUNDATION,S2 4FT-6IN HI	2.	EACH @	399.00	798.00
SHUNT BURIAL BOX	2.	EACH @	220.00	440.00
PRE-WIRED ALUM HOUSE,6X6'	1.	EACH @	10700.00	10700.00
WIRE,2c/6,T10456	400.	FEET @	0.40	160.00
CABLE,3c/6,T10458	100.	FEET @	1.92	192.00
CABLE,7c/6,9c/14,T12481	300.	FEET @	2.77	831.00

Loda, IL

Est 1008-303

5 MAN GANG	8. DAY @	1100.00	8800.00
PRELIMINARY ENGINEERING	1. L.S. @	6500.00	6500.00
CONSTRUCTION ENGINEERING	1. L.S. @	275.00	275.00

## SUMMARY

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MATERIAL	61070.00 *
HANDLING 0.0610	3725.27
CROSSING SYSTEM HANDLING	3000.00
CROSSING SYSTEM WIRING	6000.00
LABOR	8800.00 *
ENGINEERING	6775.00
ACCOUNTING	200.00
COMPOSITE ADD.-DIRECT LABOR 1.0706	9421.28
COMPOSITE ADD.-ENG 1.0088 -ACCT 1.0706	7048.74
SUBSISTENCE	2000.00
RENTAL OF EQUIPMENT	1600.00
POWER TAP	1500.00
CONTINGENCIES	11109.71
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TOTAL COST	122250.00

Exhibit C

ILLINOIS COMMERCE COMMISSION  
STIPULATED AGREEMENT NO. 1042

Date 5/23/03

The Highway Commissioner  
(Board or Council of Loda Township)

meeting on 5/23/03, Resolved to authorize Larry Elliott  
Highway Commissioner  
(Name, Office)

to act as its designated agent in the processing of this Stipulated Agreement and that the TOWNSHIP is financially willing and able to bear the cost for the proposed improvements as may be assigned to it according to Section 5 of this Agreement.